

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.

2013 FEB -4 A 11: 03

CLERK A. Taylor
SO. DIST. OF GA.

LaDARRELLE RHAMEK DIXON,

Petitioner,

vs.

RANDY F. ROYAL,

Respondent.

CIVIL ACTION NO.: CV513-011

ORDER

Petitioner, an inmate at the Ware County Jail in Waycross, Georgia, seeks to file this *in forma pauperis* action under 28 U.S.C. § 2254, contesting the legality of his confinement. Petitioner attacks a conviction obtained in the Superior Court of Ware County, Georgia. The petitioner appears to be indigent; therefore, the Court grants petitioner leave to proceed *in forma pauperis*. It appears that Petitioner has not exhausted his state remedies; however, the court is precluded from *sua sponte* dismissing Petitioner's writ. See Davis v. Dugger, 829 F.2d 1513 (11th Cir. 1987)

IT IS HEREBY ORDERED that Respondent make answer in writing to the allegations of the petition by filing either a Motion to Dismiss for failure to exhaust state remedies or a Response with the Clerk of this Court within thirty (30) days after service of this Order.

Petitioner and Respondent shall submit to the Court their respective briefs of law within the aforementioned thirty (30) day period. The briefs of law shall be no longer than twenty-five (25) typewritten pages double-spaced on letter-sized paper.

No discovery shall be had by either party without leave of court. Rule 6, 28 U.S.C. § 2254 (1977). At this time, this Court's consideration of Petitioner's *habeas* petition will

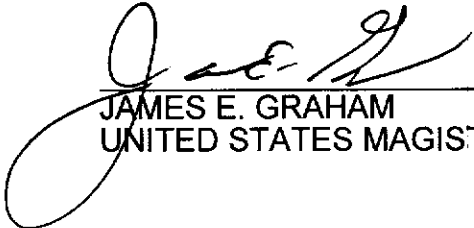
be limited to an examination of the evidence and other matters presented to the state courts.

After the filing of the response or the motion to dismiss, the Court will then give consideration to the petition and will determine whether to grant the writ, deny the writ, or set the matter down for hearing.

While this action is pending, the Petitioner shall immediately inform this Court in writing of any change of address. Failure to do so will result in dismissal of this case, without prejudice.

IT IS FURTHER ORDERED that a copy of this Order be served upon the Petitioner, and that a copy of the petition and this Order be served upon the Respondent by certified mail, return receipt requested.

SO ORDERED, this 4th day of February, 2013.


JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE